

REMARKS

The Final Office Action dated February 25, 2009 has been received and carefully noted. In response thereto, Applicants request entry and consideration of the above noted amendments to the claims in conjunction with the following remarks. Applicants thank the Examiner for entering the amendments that were made in Applicant's Response to the final Office Action mailed September 2, 2008 (submitted on November 3, 2008). Applicants submit that no new claims have been added to the application, and no claims have been cancelled from consideration. Claim 40 is currently amended. Therefore, claims 35-49 and 51-65 are pending and submitted for consideration herein.

Further, Applicants submit that the claim amendments presented herein merely clarify issues for appeal, do not present new matter or new issues, and will not require further searching by the Examiner. Entry and consideration of the amendments is respectfully requested.

A. Applicants' Objection to Premature Finality

The present Office Action is designated as a final rejection. However, the finality of the Office Action is respectfully traversed. MPEP 706.07(a) specifies that an Office Action shall not be final "where the examiner introduces a new ground of rejection that is neither necessitated by Applicants' amendment of the claims, nor based on information submitted in an information disclosure statement." The present Office Action rejects claims 40-42, 59-61, and 63-64 under 35 U.S.C. **§ 103** over U.S. Patent No. 6,000,608 to Dorf ("Dorf"). However, in the prior Final Office Action mailed September 2, 2008, the Examiner rejected claims 40-42, 59-61, and 63-64 under 35 U.S.C. **§ 102** over Dorf. Thus, the present Office Action introduces a new ground of rejection that is not necessitated by Applicant's amendment of the claims.

It is respectfully submitted that this is clearly a situation "where the examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims, nor based on information submitted in an information disclosure statement." As explained in MPEP § 706.07(a), the present Office Action cannot properly be designated as a "final" rejection under these circumstances. It is therefore respectfully submitted that the finality of the present Office Action is not proper and must be withdrawn. Applicants respectfully request notice that the finality of the present Office Action has been withdrawn.

B. Rejections under 35 U.S.C. § 101

The Office Action alleges on pages 2-4 that claims 40-49 and 51-55 are directed to non-statutory subject matter. However, Applicants respectfully traverse this rejection, and submit that independent claims 40 and 48 clearly pass the “machine-or-transformation” test. Specifically, claims 40 and 48 recite a “central payment processor” and a “centralized payment processor,” respectively. The specification of the application teaches that a payment processor may be implemented on a machine as follows: “The heart of the present system is a payment processor 40, which can be conveniently implemented on a suitable general purpose digital computer programmed as explained in greater detail later.” Application, ¶[0021]. Further, the central/centralized payment processor recited in claims 40 and 48 enables payment processing that transfers financial value between various parties. Such activity is not post-solution activity, such as data gathering and outputting. In view of the foregoing, claims 40 and 48 recite statutory subject matter. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 40-49 and 51-55 under 35 U.S.C. § 101.

C. Objection to Specification

Pages 4-5 of the Office Action set forth an objection to the specification as failing to provide antecedent basis for the “account identifier” recited in claim 40. Applicants respectfully traverse this objection. Claim 40 is currently amended to replace all recited instances of “account identifier” with “end-user account identifier.” An “end-user account identifier” is taught at least at page 10, lines 14-21, and page 12 of the application. Accordingly, the Applicants respectfully request that this objection be withdrawn.

D. Rejections under 35 U.S.C. § 112

The current Office Action rejects claims 35-39, 48-49, and 51-58 under 35 U.S.C. § 112 first paragraph. Applicants respectfully traverse this rejection.

With respect to independent claim 35, the Office Action states that the Examiner could not

find support in the specification for the claim element “wherein the intermediary account number is different from the end-user account number.” The Office Action alleges that although the application at page 7, line 28 to page 8, line 1 teaches that the intermediary account and the end-user account are different, it does not teach that the intermediary account and the end-user account have different account numbers. Applicant’s submit that a person of ordinary skill in the art would recognize that different accounts could have different numbers.

Claims 36-39 and 57-58 were rejected under 35 U.S.C. § 112 first paragraph because of their dependency from claim 35. As shown above, claim 35 satisfies 35 U.S.C. § 112 first paragraph. Accordingly, Applicants also respectfully request that the Examiner withdraw the rejection of claims 36-39 under U.S.C. § 112, first paragraph.

The Applicants submit that the rejection of claims 48-49 and 51-56 under 35 U.S.C. § 112 are improper, because such claims depend from claim 40 rather than claim 35. Claim 40 does not recite “wherein the intermediary account number is different from the end-user account number.” Accordingly, Applicants respectfully request that the Examiner also withdraw the rejection of claims 48-49 and 51-56 under U.S.C. § 112, first paragraph. Furthermore, Applicants respectfully submit that the current Office Action intended to only reject claims 35-39 under 35 U.S.C. § 112.

E. Rejections under 35 U.S.C. § 103(a)

1. Claims 40-42, 59-61, and 63-64 under 35 U.S.C. § 103(a) over Dorf

Claims 40-42, 59-61, and 63-64 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,000,608 to Dorf (hereinafter referred to as “Dorf”). Applicant traverses this rejection on the grounds that Dorf is defective in establishing a prima facie case of obviousness with respect to claims 40-42, 59-61, and 63-64.

In *KSR Int’l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that “a patent composed of several elements **is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.** Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a

reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

In the present application, a prima facie case of obviousness does not exist for the claims as herein amended for the reasons set forth below.

Independent Claim 40

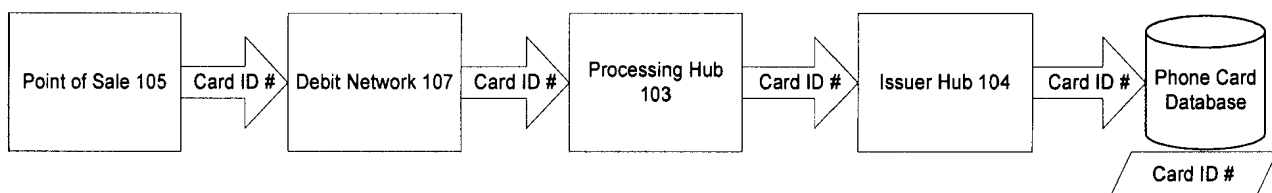
Dorf Does Not Teach the Entire Claimed Subject Matter

Dorf cannot be applied to reject amended claim 40 under 35 U.S.C. § 103, because it fails to teach the entire claimed subject matter. For example, Dorf fails to teach, show, or even suggest "associating an end-user account identifier that represents an end-user's prepaid account maintained by a telecommunications provider with an intermediary account number," as recited in amended claim 40. Thus, for this independent reason alone, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met. Therefore, Applicants traverse the rejection of claim 40 under 35 U.S.C. § 103.

Dorf Teaches:

Applicants submit that Dorf does not teach or disclose the intermediary account limitations recited in amended independent claim 40. Please refer to Figure A below for an illustration of the process taught by Dorf.

FIGURE A



Dorf teaches, at columns 7 and 8, a card system where a user presents a card 101 at a retailer and indicates the desired purchase amount. The retailer swipes the card 101 through a POS device 105, which communicates the card data, *i.e.*, the card identification number read from the card's magnetic strip 106, to a bank processor 208. The bank processor 208 communicates the card identification number over the debit network 107 to the sponsoring bank processor 102, which acts as a link between the debit network 107 and the processing hub 103.

Once the card identification number is received at the processing hub 103, the processing hub 103 recognizes the card identification number as representing a particular prepaid phone card issuer, and forwards the card identification number to a specific issuer hub 104 that is maintained by the corresponding prepaid phone card issuer. The issuer hub 104 activates a record in a phone card database having the same identification number as the card 101, and a value field in this record is updated to reflect the purchase amount. The issuer hub 104 then returns an authorization number back along the same path to the POS device 105, and the user may then use the authorization number to activate the purchased amount of time.

Distinctions:

The present Office Action alleges on page 7 that the record in the phone card database is equivalent to the “intermediary account” recited in claim 40. However, the card identification number in Dorf is equivalent to an end-user account identifier, and the record in the phone card database is equivalent to an end-user account. Nowhere does Dorf teach an “intermediate account” or an “intermediate account number” as recited in claim 40.

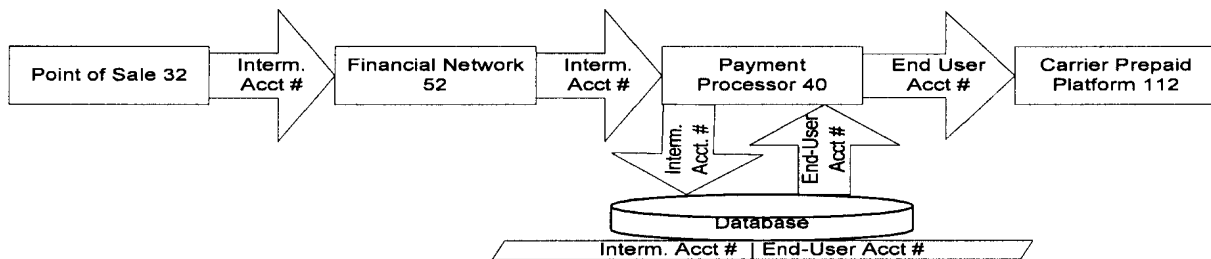
The card identification number taught by Dorf is the same number that is sent from the POS device 105 to the bank processor 208 and the processing hub 103 (Dorf, col. 7, ll. 3-5). Further, the prepaid card identification number in Dorf is the same number that is sent from the processing hub 103 to the issuer hub 104 (Dorf, col. 7, ll. 9-13, 15-18). Thus, the card identification number taught by Dorf is the only number used throughout the entire process, as shown above in Figure A. This is clearly taught by Dorf as follows: “When the issuer hub 104 receives the data from the processing hub 103, **it activates the record in the phone card database 204 having the same identification number as the card 101**” (Dorf, col. 7, ll. 15-18, **emphasis added**). The card number taught by Dorf represents only an end-user account maintained at the processing hub. At least for the reason

that the same prepaid card identification number is used throughout the process taught by Dorf, Dorf fails to teach an “intermediary account number,” as recited in claim 40.

Further, Dorf fails to teach “an intermediary account maintained by a central payment processor, wherein the intermediary account is different from the end-user account.” Because the intermediary account recited in claim 40 is different from the end-user account also recited therein, an “association” must be made between the intermediary account identifier and the end-user’s prepaid account identifier. Since the intermediary account is different from the end-user account, the payment processor must look up the associated end-user account number and send it to the carrier pre-paid platform.

Please refer to Figure B below for an illustration of the process taught by the present application, which requires an association between the intermediary account number and the end-user account number:

FIGURE B



As shown in Figure B above, the payment processor taught by the application sends the intermediary account number to the database, and retrieves the end-user account number that is associated with the intermediary account number. However, in the system taught by Dorf, there is no need to “store the association in a database coupled to a central payment processor, wherein the association includes information that allows the central payment processor to identify the end-user’s prepaid account when presented with the account identifier . . . [, and look] up the intermediary account number associated with the account identifier,” as recited in claim 40, because the system of Dorf uses the same card identification number throughout the entire process.

The Office Action, on page 7, alleges that it is “obvious” that the record in the database taught by Dorf is an intermediary account. As discussed above, the record in the database taught by Dorf represents only an end-user account, and is not equivalent to an intermediary account. Further, the Office Action does not provide a reference that supports the Office Action’s contentions. As

provided in 37 C.F.R. §1.104, in rejecting claims for obviousness, the Examiner must cite the best references at his command, and the pertinence of each reference must be clearly explained. Moreover, while Applicants acknowledge that the Examiner may rely upon facts within his knowledge, Applicants further respectfully point out that such reliance is only proper when such data is as specific as possible, and such reference must be supported, when called for by Applicants, by the affidavit of the Examiner. In this context, the Examiner has provided no factual evidence supporting the contention that the record in the database taught by Dorf is an intermediary account.

Thus, Dorf fails to teach an “intermediary account number” and “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number,” as recited in claim 40. Therefore, Applicants respectfully submit that Dorf clearly fails to teach or show the entire claimed subject matter of independent claim 40 as amended, and as such, the rejection of claim 40 under 35 U.S.C. § 103(a) over Dorf, and all claims depending therefrom, is respectfully requested.

Prior art that teaches away from the claimed invention cannot be used to establish obviousness

KSR maintained the long-standing principal that “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious.” *KSR* at 1740. In the present case the Dorf reference, by teaching a single account/identification number throughout the entire processing sequence, clearly teaches away from “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number,” as recited in claim 40. There is no broader disclosure or non-preferred embodiment taught by Dorf that includes “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number,” as recited in claim 40.

Thus, for this reason alone, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection of independent claim 40 under 35 U.S.C. § 103 should be withdrawn.

Dependent Claims 41-42, 59-61, and 63-64

Claims 41-42, 59-61, 63, and 64 were also rejected under 35 U.S.C. § 102(e) over Dorf. Claims 41-42, 59-61, 63, and 64 depend from claim 40, and therefore include at least the elements of claim 40 that have been presented above. Thus, Applicants submit that claims 41-42, 59-61, 63, and 64 are also allowable over Dorf for the same reasons as noted above with respect to claim 40. Therefore, at least for this reason, it is respectfully submitted that the rejection of claims 41-42, 59-61, 63, and 64 under 35 U.S.C. § 102(e) over Dorf should also be withdrawn.

2. Rejection of Claims 35-36, 38-39, 48-49, 52-53, and 57-58 under 35 U.S.C. § 103(a) over Dorf in view of Hogan

Claims 35-36, 38-39, 48-49, 52-53, and 57-58 were rejected under 35 U.S.C. § 103(a) over Dorf in view of U.S. Patent No. 5,704,046 to Hogan (hereinafter referred to as “Hogan”). The Office Action took the position that Dorf teaches each and every limitation recited in the rejected claims, except for the limitation of “wherein the intermediary account number is different from the end-user account identifier.” However, the Office Action cited to Hogan as teaching this limitation and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claims. Applicants respectfully traverse the rejection and submit that each of the rejected claims recites limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Independent Claims 35 and 48

Claims 35 and 48 respectively recite an “associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, wherein the intermediary account number is different from the end-user account number,” and “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor.” In contrast, Hogan teaches a sub-account number at the following cited portions: “the account number identifies the account associated with card 100 for billing purposes. The card number acts as a sub-account number identifying additional cards issued under the same account number. Thus, for example a spouse may possess an associated financial card having the same account number but a different card number” (Hogan, col. 5, line 66 to col. 6, line 5).

However, nowhere in Hogan is there any teaching, showing, or suggestion of an intermediary

account number that represents an intermediary account, as expressly recited in each of Applicant's claims 35 and 48. As such, Applicants submit that Hogan fails to further the teaching of Dorf to the level necessary to properly support an obviousness rejection of Applicants' claims. Therefore, reconsideration and withdrawal of the rejection of independent claims 35 and 48 is respectfully requested.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

In the present application, a prima facie case of obviousness does not exist for the claims for the reasons set forth below.

Dorf and Hogan do Not Teach the Entire Claimed Subject Matter

Claims 35 and 48 respectively recite an "associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, wherein the intermediary account number is different from the end-user account number," and "associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor." In contrast, neither Dorf nor Hogan teaches, shows, or even suggests an intermediary account number. Dorf's failure to teach an intermediary account number is set forth above with respect to claim 40, and is hereby incorporated with respect to claims 35 and 48.

Further, Hogan also fails to teach, show or suggest an intermediary account number that represents an intermediary account. As mentioned above, paragraph 23 of the present application states that the intermediary account identifier "refers to the intermediary account which is maintained on the pre-payment processor 40. It is not the same as the end-user account which would be maintained at the carrier's prepaid platform 112." In contrast, the cited portions of Hogan merely teach a sub-account card number that is related to a primary account card number. A careful reading of the cited portions does not support the Office Action's conclusion that Hogan teaches "associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, wherein the intermediary account number is different from the end-user account number,"

as recited in claim 35, and “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor,” as recited in claim 48.

Even when combined, Dorf and Hogan merely teach a prepaid card identification number, which may be a sub-account number, that is the same number that is sent from a POS device to a bank processor, a processing hub, and an issuer hub 104. Thus, even when combined, Dorf and Hogan fail to teach an “intermediary account number,” as recited in claims 35 and 48.

Accordingly, neither Dorf nor Hogan, whether taken alone or in combination, teaches, shows, or even suggests an “intermediary account number” or an “intermediary account.” It is submitted that, in the present case, the Office Action has not factually supported a *prima facie* case of obviousness for this mutually exclusive reason.

Prior art that teaches away from the claimed invention cannot be used to establish obviousness

KSR maintained the long-standing principal that “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious.” *KSR* at 1740. In the present case the Dorf reference, by providing using a single account/identification number throughout the entire processing sequence, clearly teaches away from “associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, wherein the intermediary account number is different from the end-user account number,” as recited in claim 35, and “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor,” as recited in claim 48. There is no broader disclosure or non-preferred embodiment taught by Dorf that includes these elements of claims 35 and 48.

Thus, for this reason alone, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection of independent claims 35 and 48 under 35 U.S.C. § 103 should be withdrawn.

Dependent Claims 36, 38-39, and 57-58

Claims 36, 38-39, and 57-58 were also rejected under 35 U.S.C. § 103(a) over Dorf in view of Hogan. However, claims 36, 38-39, and 57-58 depend from claim 35, and therefore include at

least the elements of claim 35. Thus, claims 36, 38-39, and 57-58 are also allowable over Dorf in view of Hogan for the same reasons as noted above with respect to claim 35. Therefore, at least for the reasons set forth above with respect to claim 35, it is respectfully submitted that the rejection of claims 36, 38-39, and 57-58 under 35 U.S.C. § 103(a) over Dorf in view of Hogan should also be withdrawn.

Dependent Claims 49 and 52-53

Claims 49 and 52-53 were also rejected under 35 U.S.C. § 103(a) over Dorf in view of Hogan. However, claims 49 and 52-53 depend from claim 48, and therefore include at least the elements of claim 48, which has been shown above to be allowable. Thus, claims 49 and 52-53 are also allowable over Dorf in view of Hogan for the same reasons as noted above with respect to claim 48. Therefore, at least for the reasons set forth above with respect to claim 48, it is respectfully submitted that the rejection of claims 49 and 52-53 under 35 U.S.C. § 103(a) over Dorf in view of Hogan should also be withdrawn.

3. Rejection of Claims 43, 45-47, and 62 under 35 U.S.C. § 103(a) over Dorf in view of Muehlberger

Claims 43, 45-47, and 62 were rejected under 35 U.S.C. 103(a) over Dorf in view of U.S. Patent No. 5,696,908 to Muehlberger (hereinafter referred to as “Muehlberger”). The Office Action took the position that Dorf teaches each and every limitation recited in the rejected claims, except for electronic funds transfer (claim 43), the collecting step is effecting via the ACH (claim 45), and the point-of-sale terminal comprises a vending machine (claim 62). However, the Office Action cited to Muehlberger as teaching the foregoing elements, and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claims. Applicants respectfully traverse the rejection and submit that the rejected claims recite limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Claims 43, 45-47, and 62 depend from independent claim 40, and therefore include at least the elements of independent claim 40, which has been shown above to be allowable. Thus, claims 43, 45-47, and 62 include at least the element of “associating an end-user account identifier that

represents an end-user's prepaid account maintained by a telecommunications provider with an intermediary account number," as recited in independent claim 40. As set forth above with respect to claim independent 40, Dorf fails to teach this claim element. Muehlberger fails to cure this shortcoming of Dorf.

Muehlberger merely teaches a processor, which may be an electronic clearing house or a bank. A phone card dispenser may call the processor after it reads a credit card to verify that the credit card is valid. In addition, the processor will verify the availability of funds, and in the case of an ATM card, will check the validity of a PIN number. In the case that the processor is a clearing house, the electronic transfer or conversion is routed to the card issuer (e.g., a local or long distance carrier), who will then respond to the phone card dispenser via the clearing house. However, if the processor is a bank that issued the phone card, then the bank may approve/reject the transaction. Upon successful verification, the processor will debit the cardholder's account and transfer funds to the card dispenser operator's account (Muehlberger col. 5, ll. 65-67; col. 6, ll. 1-15). Thus, nowhere does Muehlberger teach, show, or suggest an "intermediary account number," as recited in claim 40. Therefore, Applicants submit that the cited combination of Dorf and Muehlberger fails to render Applicants' claims obvious, as neither of the cited references, when taken alone or in combination, teaches, shows, or even suggests "associating an end-user account identifier that represents an end-user's prepaid account maintained by a telecommunications provider with an intermediary account number," as recited in claim 40. As such, reconsideration and withdrawal of the rejection of claims 43, 45-47, and 62 under 35 U.S.C. § 103(a) over Dorf in view of Muehlberger is respectfully requested.

4. Rejection of Claims 37, 54, and 55 under 35 U.S.C. § 103(a) over Dorf in view of Hogan, and further in view of Muehlberger

Claims 37, 54, and 55 were rejected under 35 U.S.C. § 103(a) over Dorf in view of Hogan, and further in view of Muehlberger. The Office Action took the position that Dorf, Hogan, and Muehlberger teach the elements of claims 37, 54, and 55, and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claims. Applicants respectfully traverse the rejection and

submit that the rejected claims recite limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Claim 37 depends from independent claim 35, and therefore includes at least the elements of claim 35, which has been shown above to be allowable. Thus, claim 37 includes at least the element of “a plurality of intermediary account numbers representing an intermediary account maintained by the payment processor,” as recited in claim 35. As set forth above with respect to claim 35, Dorf and Hogan, whether taken alone or in combination, fail to teach “a plurality of intermediary account numbers representing an intermediary account maintained by the payment processor,” as recited in claim 35. Further, as set forth above with respect to the rejection of claims 43, 45-47, and 62, Muehlberger also fails to teach, show or suggest an “intermediary account number representing an intermediary account maintained by the payment processor.” Therefore, reconsideration and withdrawal of the rejection of claim 37 under 35 U.S.C. § 103(a) over Dorf in view of Hogan, and further in view of Muehlberger is respectfully requested.

Claims 54 and 55 depend from independent claim 48, and therefore include at least the elements of claim 48, which has been shown above to be allowable. Thus, each of claims 54 and 55 include at least the element of “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor,” as recited in claim 48. As set forth above with respect to claim 48, Dorf and Hogan, whether taken alone or in combination, fail to teach this claim element. Further, as set forth above with respect to the rejection of claims 43, 45-47, and 62, Muehlberger also fails to teach, show or suggest this claim element.

Therefore, Applicants submit that the cited combination of Dorf, Hogan and Muehlberger fails to render claims 54 and 55 obvious, as none of the cited references, when taken alone or in combination, teaches, shows, or even suggests the “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor,” as recited in claim 48. Thus, reconsideration and withdrawal of the rejection of claims 54 and 55 under 35 U.S.C. § 103(a) over Dorf in view of Hogan, and further in view of Muehlberger is respectfully requested.

5. Rejection of Claim 44 under 35 U.S.C. § 103(a) over Dorf in view of Muehlberger and further in view of Risafi

Claim 44 was rejected under 35 U.S.C. § 103(a) over Dorf in view of Muehlberger and further in view of U.S. Patent No. 6,473,500 to Risafi (hereinafter referred to as “Risafi”). The Office Action took the position that Dorf in view of Muehlberger teaches each and every limitation recited in the rejected claim 44, except for the collecting step is carried out in a batch mode on a daily basis. However, the Office Action cited to Risafi as teaching this limitation recited in the rejected claim, and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claim. Applicants respectfully traverse the rejection and submit that the rejected claims recite limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Claim 44 depends from independent claim 40, and therefore includes at least the elements of claim 40, which has been shown above to be allowable. As set forth above with respect to claims 43, 45-47, and 62, neither Dorf nor Muehlberger, whether taken alone or in combination, teaches, shows or even suggests “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number,” as recited in claim 40. Risafi fails to cure this shortcoming of Dorf and Muehlberger.

Risafi teaches a method for using a prepaid card that includes purchasing a card issued by an issuer at a retail establishment via an agent terminal, selecting a PIN, selecting the opening account balance, having the card activated at the point of purchase, and, over time, using the card to purchase goods and/or services. The PIN and the card number are transmitted over a communications network to the card processing center to be stored in an account file associated with that card number. Also transmitted and stored in the account file is the amount of value purchased. The balance remaining on the card after a purchase or purchases are made will be kept in the account file.

However, nowhere does Risafi teach, show or suggest “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number,” as recited in claim 40. As such, Applicants submit that

Risafi fails to further the teaching of Dorf in view of Muehlberger to the level necessary to properly support an obviousness rejection of Applicants' claim 44 under § 103 of the Patent Laws.

Therefore, Applicants submit that the cited combination of Dorf, Muehlberger, and Risafi fails to render claim 44 obvious, as none of the cited references, when taken alone or in combination, teaches, shows, or even suggests "associating an end-user account identifier that represents an end-user's prepaid account maintained by a telecommunications provider with an intermediary account number," as recited in claim 40. Thus, reconsideration and withdrawal of the rejection of claim 37 under 35 U.S.C. § 103(a) over Dorf in view of Muehlberger and further in view of Risafi is respectfully requested.

6. Rejection of Claim 51 under 35 U.S.C. § 103(a) over Dorf in view of Hogan and in further view of Carson

Claim 51 was rejected under 35 U.S.C. § 103(a) over Dorf in view of Hogan and in further view of Carson. The Office Action took the position that Dorf in view of Hogan teaches each and every limitation recited in the rejected claim 51, except for the account being a cellular phone account. However, the Office Action cited to Carson as teaching this limitation recited in the rejected claim, and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claim. Applicants respectfully traverse the rejection and submit that the rejected claims recite limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Claim 51 depends from independent claim 48, and therefore includes at least the elements of claim 48, which has been shown above to be allowable. Thus, claim 51 includes at least the element of "associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor," as recited in claim 48. As set forth above with respect to claims 35-36, 38-39, 48-49, 52-53, and 57-58, Dorf and Hogan fail to teach, show or suggest this claim element.

Carson teaches a method for providing telephone service and cooperatively promoting the sale of telephone usage services by a telephone service provider and the sale of goods and/or services

such as lottery tickets associated with a lottery game by a lottery service provider. However, nowhere does Carson teach, show or suggest an “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor,” as recited in claim 48. As such, Applicants submit that Carson fails to further the teaching of Dorf in view of Hogan to the level necessary to properly support an obviousness rejection of Applicants’ claim 51 under § 103 of the Patent Laws.

Therefore, Applicants submit that the cited combination of Dorf, Hogan and Carson fails to render claim 51 obvious, as none of the cited references, when taken alone or in combination, teaches, shows, or even suggests “an intermediary account number representing an intermediary account maintained by the centralized payment processor.” Thus, reconsideration and withdrawal of the rejection of claim 51 under 35 U.S.C. § 103(a) over Muehlberger in view of Risafi is respectfully requested.

7. Rejection of Claim 65 under 35 U.S.C. § 103(a) over Dorf in view of Risafi

Claim 65 was rejected under 35 U.S.C. § 103(a) over Dorf in view of Risafi. The Office Action took the position that Dorf teaches each and every limitation recited in the rejected claim 65, except for electronically communicating data include interaction with an IVR system via telecommunications. However, the Office Action cited to Risafi as teaching this limitation recited in the rejected claim 65 and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claim. Applicants respectfully traverse the rejection and submit that the rejected claims recite limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Claim 65 depends from independent claim 40, and therefore includes at least the elements of claim 40, which has been shown above to be allowable. Thus, claim 65 includes at least the element of “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number,” as recited in claim 40. As set forth above with respect to claims 40-42, 59-61, and 63-64, Dorf fails to teach, show or suggest this element.

Therefore, Applicants submit that the cited combination of Dorf and Risafi fails to render claim 65 obvious, as none of the cited references, when taken alone or in combination, teaches, shows, or even suggests the “associating an end-user account identifier that represents an end-user’s prepaid account maintained by a telecommunications provider with an intermediary account number.” Therefore, reconsideration and withdrawal of the rejection of claim 65 under 35 U.S.C. § 103(a) over Dorf in view of Risafi is respectfully requested.

8. Rejection of Claim 56 under 35 U.S.C. § 103(a) over Dorf in view of Hogan and further in view of Risafi

Claim 56 was rejected under 35 U.S.C. § 103(a) over Dorf in view of Hogan and further in view of Risafi. The Office Action took the position that Dorf in view of Hogan teaches each and every limitation recited in the rejected claim 56, except for purchasing via the Internet. However, the Office Action cited to Risafi as teaching this limitation recited in the rejected claim and concluded that it would have been obvious for one of ordinary skill in the art to have combined the teaching of the cited references to create the invention recited in the rejected claim. Applicants respectfully traverse the rejection and submit that the rejected claims recite limitations that are not taught, shown, or even suggested by the cited prior art, when taken alone or in combination.

Claim 56 depends from independent claim 48, and therefore includes at least the elements of claim 48, which has been shown above to be allowable. Thus, claim 56 includes at least the element of “associating the intermediary account number with an end-user account identifier representing an end-user account maintained by a vendor,” as recited in claim 48. As set forth above with respect to claims 35-36, 38-39, 48-49, 52-53, and 57-58, both Dorf and Hogan fail to teach, show or suggest this element. Further, as set forth above with respect to claim 44, Risafi also fails to teach, show or suggest an “intermediary account number.”

Therefore, Applicants submit that the cited combination of Dorf, Hogan and Risafi fails to render claim 56 obvious, as none of the cited references, when taken alone or in combination, teaches, shows, or even suggests “associating the intermediary account number with an end-user account identifier that is also associated with a corresponding vendor,” as recited in claim 48. Thus,

reconsideration and withdrawal of the rejection of claim 56 under 35 U.S.C. § 103(a) over Dorf in view of Hogan and further in view of Risafi is respectfully requested.

IV. Conclusion

An early formal notice of allowance of claims 35-49 and 51-65 is requested. A personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

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I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on the following date.

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Michelle Bayta